



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,445	08/27/2001	Joshua Dickinson Kraft	JDK003	3645

7590 05/11/2006

J.B. KRAFT  
SUITE 5-C  
71C COLORADO ST.  
AUSTIN, TX 78701

EXAMINER

AMINI, JAVID A

ART UNIT PAPER NUMBER

2628

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/939,445

Applicant(s)

KRAFT, JOSHUA DICKINSON

Examiner

Javid A. Amini

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-5, 7-9, 11-12, and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment***

Applicant's arguments filed 3/3/2006 have been fully considered but they are not persuasive.

Applicant on page 6 at second paragraph of the remarks argues that neither the references disclose such automatic switching from the keyboard state to the cursive drawing state and vice versa dependent upon whether the user strikes a key or inputs a cursive drawing entry. Applicant refers to Kuriyama's fig. 3 switch 31 that is not an automatic switch.

Examiner's reply: by referring to page 9 lines 9-15 in the specification

The operating system graphics may be set up so that the keyboard entry edit mode for the entry of typed text is switched to when the user hits any key in the keyboard. Alternatively, one of the keys in the keyboard may be set up to be the switch key. In the present example, "y" performs this role, i.e. the user must hit this key to switch to the keyboard entry mode shown in Fig. 5. Examiner's interpretation: in respect to the above paragraph, the user must manually hit a key to activate entry mode. Applicant argues that there is an "automatic switching"! Examiner's comment: the Applicant's argument does not correlate with the disclosure in the specification. Kuriyama in figs. 3 illustrates a "switch" that a user needs to hit that key to switch a different mode.

Examiner's suggestion: Applicant may provide the significant of the current invention an especial emphasis about the switching mode over the prior arts. Applicant needs responding to the questions from previous office action raised under the second paragraph of 35 U.S.C. 112.

Applicant on the same page at third paragraph argues that Cobbley does not alter the transparent keyboard with some form of a key.

Examiner's reply: Cobbley at col. 2, lines 41-45 teaches the mode selection may be made by selecting the appropriate icon 514 using a pointing device such as a mouse or stylus or using a hardware button. Also Cobbley at col. 2, lines 56-67 clearly teaches the transparency of a given image, such as the keyboard interface 508 or the text entry boxes 506, may be changed dynamically. For example, if the user fails to enter text using the keyboard interface 508 after a predetermined amount of time, the transparency of the keyboard interface 508 may increase while the transparency of the text entry boxes 506 may decrease. As a result, the focus appears to change to the text entry boxes 506 that appear to be bolder and more prominent than the keyboard interface 508. Thus, in a variety of circumstances, automatic, dynamic changes in transparency may be implemented by adjusting the relative mixing of the representations of two disparate images.

The previous rejections are still maintained.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 7, 12 and 14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term " less/more transparent " renders the claims indefinite because it is unclear about a point that must be exceeded to begin producing the less or more transparencies or given effect to elicit a response. Examiner would like to know what are the ranges of the transparencies of the claim invention, since Applicant claims less/more

Art Unit: 2628

transparencies? Does Applicant mean less/more transparencies equivalent to opaque and brightness modes or with a background or/and foreground object(s)?

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-5, 7-9, 11-12, and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Kuriyama et al, hereinafter Kuriyama, and further in view of Cobbley et al. hereinafter Cobbley.

1. Re. claims 1 and 8.

Kuriyama in fig. 1 illustrates a front view of a portable information communication device, which covers the preamble of the claim, as follows: "A portable computer controlled user interactive touch responsive read/write display pad comprising". Kuriyama in figs. 3 illustrates the following part of the claim: "a display screen displaying text and graphics". Kuriyama in fig. 2 illustrates a tablet 13 of a touch panel 14 has a transparent flat area corresponding to the display area of the display panel 12 and superposed on the display screen of the panel 12, see following section of the claim: "a transparent touch sensitive pad covering said display screen". Kuriyama in fig. 3B illustrates cursive drawing touch input for displaying such drawing on said display screen. Kuriyama in fig. 3A illustrates displaying a full character keyboard on the display

Art Unit: 2628

screen. Kuriyama in figs. 3 illustrates responsive to touch inputs to characters on the keyboard for displaying the touch keyboard inputs as text entries within said displayed text and graphics. Kuriyama in figs. 3 illustrates a “switch” i.e. relating to a program that responds to user activity, see last part of the claim: “means responsive to an input to a key in said keyboard for rendering interactive said means responsive to keyboard inputs and for rendering non-interactive said means responsive to cursive drawing; and means responsive to said cursive drawing for rendering interactive said means responsive to cursive drawing and for rendering non-interactive said means responsive to keyboard inputs.” Examiner’s interpretation: The claim invention does not clearly specify what the claim invention claims, however, the interpretation concludes that the claim invention includes a port for attaching an external input e.g. a keyboard. The first prior art Kuriyama in fig. 2 illustrates items as key-in and radio unit i.e. considered as inputs, beside the tablet display and controller. Kuriyama does not explicitly specify the touch sensitive keyboard is transparent to the text or graphic area. But, Cobbley in col. 2, lines 28-45 teaches focusing (transparency) may be changed by using a hardware button, see fig. 1, 514.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute applicant’s described structure by modifying Cobbley’s transparency support 202 in fig. 3 into Kuriyama’s fig. 2 sections ROM 22 and RAM 23 in order to display on 12 using display driver 12a. This modification may be accomplished what the claim invention claims.

2. Re. claims 2, 9 and 11, Cobbley in fig. 1 illustrates the claim invention.

3. Re. claims 4, 5, 7, 12 and 14, Cobbley in col. 2, lines 28-45 teaches focusing (transparency) may be changed by using a hardware button, see fig. 1, 514.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini  
Examiner  
Art Unit 2628

Javid Amini



**Kee M. Tung**  
**Primary Examiner**